



Patent

Attorney's Docket No. 1034232-000023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Mamoru TANAKA et al.)	
Application No.: 10/509,765)	Group Art Unit: 1711
Filed: September 30, 2004)	Examiner: DUC TRUONG
THIOURETHANE-BASED OPTICAL)	Confirmation No.: 4392
MATERIAL)	

**RESPONSE TO RESTRICTION AND
ELECTION OF SPECIES REQUIREMENTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction/unity of invention requirement set forth in the Official Action dated March 28, 2006, applicants hereby elect the subject matter of Group I which currently contains claims 1-9 and 16-22. This election is made with traverse with respect to Groups II and III, both of which include only dependent claims that depend directly or indirectly from claim 1. Claim 10 of Group II defines a method of making a resin by curing the polymerizable composition according to claim 1 while claims 11-13 define a resin, optical element and lens prepared from the polymerizable composition. Thus, each of the claims of Groups II and III require the subject matter of claim 1 of Group I.

To place the propriety of the claims of Groups I-III in greater context, the Examiner's attention is directed to the discussion provided in MPEP §1893.03(d) where it is stated:

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical feature is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

This section of the MPEP refers back to MPEP §1850 where there is a discussion of intermediate and final products which includes the passage:

The intermediate and final products are technically interrelated, this meaning that the final product is manufactured directly from the intermediate or is separated from it by a small number of intermediates, all containing the same essential structural element.

A further source of information is the PCT International Search and Preliminary Examination Guidelines dated March 11, 2004. The Examples starting on page 80 include Example 13 wherein claim 1 recites a filament A for a lamp, claim 2 recites a lamp B having filament A, and claim 3 is a searchlight provided with a lamp B having a filament A and a swivel arrangement C. The conclusion is that unity of invention exists between claims 1, 2 and 3. In Example 28, claim 1 recites an amorphous polymer A (intermediate) and claim 2 recites a crystalline polymer B (final product) that is prepared by stretching polymer A and the conclusion is again that unity of invention is present.

In the present situation, since all of the claims of Groups II and III require the composition of claim 1, there can be no question that these Groups relate to the same general inventive concept and must be considered together. Accordingly, applicants respectfully request reconsideration with respect to Groups I-III.

Turning to the election of species requirement, applicants elect species (1) a dithioacetal or dithioketal. This election is made without traverse with the understanding that applicants will be entitled to the other species in the event that a

generic claim is found allowable pursuant to the provisions of 37 C.F.R. §1.141.

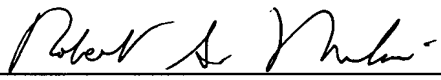
Claims of Group I which read on this species are claims 1-5 and 16-18. All of the claims of Groups II and III also read on this species.

Favorable consideration on the merits is respectfully requested.

Should the Examiner wish to discuss any aspect of the present application, he is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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